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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON
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9 UNITED STATES OF AMERICA,
10 Plaintiff,
11 vs.
12 EMILY LOUISE HERNANDEZ-
13 STEPNEY,
14 Defendant.
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No. 1:14-cr-02100-SAB-2

**ORDER DISMISSING MOTION
TO DISMISS APPEAL AS
MOOT**

16 Before the Court is Defendant's Motion to Dismiss Appeal. ECF No. 100.
17 On February 17, 2016 and March 15, 2016, the Ninth Circuit Court of Appeals
18 directed Defendant to move for voluntary dismissal of her appeal or show cause
19 why it should not be dismissed as untimely. See ECF No. 99. Defendant did not
20 do so. Consequently, on April 19, 2016, the Ninth Circuit Court of Appeals issued
21 a mandate dismissing Defendant's appeal for failure to prosecute. ECF No. 99.
22 The present motion is untimely and improperly before this Court. The Ninth
23 Circuit Court of Appeals' mandate dismissed Defendant's appeal. Therefore,
24 Defendant's motion to dismiss appeal is **denied** as moot.

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ORDER DISMISSING MOTION TO DISMISS APPEAL AS MOOT + 1

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Defendant's Motion to Dismiss Appeal, ECF No. 100, is **DENIED AS**
3 **MOOT.**

4 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order
5 and forward copies to counsel.

6 **DATED** this 16th day of September, 2016.



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12 Stanley A. Bastian
13 United States District Judge
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